

CHAPTER 15. DEFINITIONS

Accessory Building - a building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.

Agriculture - any land or building used for pasturage, floriculture, dairying, horticulture, forestry, and livestock or poultry husbandry.

Airport - means the Huntsville Municipal Airport.

Airport Elevation - the highest point of an airport's usable landing area measured in feet from mean sea level.

Airport Hazard - any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

Alley - a legally established private access easement affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Alterations - any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; or any change which may be referred to herein as "altered" or "reconstructed".

Apartment - a dwelling unit in a "multiple family dwelling" as defined herein.

Appeal - means, for the purpose of flood hazard regulation, a request for a review of the Flood Plain Administrator's interpretation of any provision of this code or a request for a variance.

Approach - transitional, horizontal and conical zones. These zones apply to the area under the approach, transitional, horizontal, and conical surfaces defined in FAR Part 77.

Area of Shallow Flooding - means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

As Built Drawings - plans prepared by a registered professional engineer and certifying that the public improvements are constructed as shown.

Base Flood - the flood having a one percent chance of being equaled or exceeded in any given year.

Berm - a man-made, formed, earth mound of definite height and width used for obscuring purposes; the intent of which is to provide a transition between uses of differing intensity.

Block - a tract or parcel of land designated as such on a subdivision plat surrounded by streets or other physical obstructions.

Boundary Sewer Line - a sewer line installed in a street bounding a development or faced on only one side by a development, which can also serve property not included in the development on the opposite side of the street.

Boundary Water Line - a water line, installed in a street bounding a development or faced on only one side by a development, which can also serve property not included in the development on the opposite side of the street.

Buffer Yard - a strip of land, including any specified type and amount of planting or structures which may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.

Building - see definition in Building Code.

Building Height - the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on a sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Building Line - a line parallel to the front lot line. A minimum building line is the same as the minimum required front setback line.

Building, Principal - a building in which is conducted the main or principal use of the lot on which said building is located.

Certificate of Compliance - a certificate issued by the City to a party or parties intending to initiate any work or change any use of property in the City.

Church - a building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

City - the City of Huntsville, Texas.

Club - an organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or similar activities, but not operated for profit and open only to members and not the general public.

Commercial Building - any building other than a single family residence.

Condominium - see unified development.

Critical Feature - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development - means, for the purpose of flood hazard regulation, any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Developer - any person who improves or subdivides a tract of land or improves or takes any action preparatory to the erection, improvement or movement of any building or structure on a tract of land.

Density - the average number of dwelling units per acre for the entire development, including streets.

District - an area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations.

Dwelling, Multiple Family - a building used or designed as a residence for three or more families living together independently of each other.

Dwelling, Single Family-Attached - a dwelling which is joined to another dwelling at one or more sides by a party wall or abutting separate wall, and which is designed for or occupied exclusively by one family.

Dwelling, Single Family-Detached - a dwelling designed for or occupied exclusively by one family and having no physical connection to another building located on the same lot or tract or any other lot or tract.

Dwelling, Two Family - a detached building, designed for or occupied by two families living independently of each other.

Dwelling Unit - one or more rooms with bathroom and principal kitchen facilities designed as a self contained unit for occupancy by one family for living, cooking and sleeping purposes.

Erected - the word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

Elevated Building - means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-390, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

Excavation - any breaking of ground, except common household gardening, general farming and ground care.

Existing Construction - means, for the purpose of flood hazard regulation and for the purposes of determining flood insurance rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Family - an individual, or two or more persons related by blood, marriage, or adoption, or parents along with their direct lineal descendants, and adopted or foster children (including domestic employees) or a group not to exceed two persons not related by blood or marriage, occupying a premises and living as a single housekeeping unit with single cooking facilities. Every additional group of two or less persons living in such housekeeping unit shall be considered a separate family. Said definition shall not apply in instances of group care centers, or licensed residential facilities.

Filling - the depositing or dumping of any matter into or onto the ground except common household gardening and general maintenance.

Flag Lot - a lot which has minimum frontage on a public street, which is reached via a private drive or lane whose width some distance back from the street right-of-way, meets all ordinance requirements.

Flood or Flooding - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters.
- (2) the unusual and rapid accumulation or run-off of surface waters from any source.

Flood Insurance Rate Map (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

Floodplain or Flood-Prone Area - means any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodproofing - any combination of structural and nonstructural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood Protection System - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such as system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodway (Regulatory Floodway) - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Functionally Dependent Use - means for the purpose of flood hazard regulation, a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Grade - a ground elevation established for the purpose of controlling the number of stories and the height of any structure. The building grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure.

Habitable Floor - means for the purpose of food hazard regulation, any floor usable for the following purposes; which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes only is not a "habitable floor."

Half-Street - a vehicular access-way created if only a portion of the required right-of-way width or pavement width is dedicated and/or constructed.

Highest Adjacent Grade - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Improvement - Any physical structure or system , including building, drainage work, water system, sewer system, sidewalks, streets, or utility system.

Industrial - a business, plant or enterprise for production of goods, merchandise, or machines.

Lease - a contract by which one owning such property grants to another the right to possess, use and enjoy it for a specified period of time in exchange for the periodic payment of a stipulated price.

Levee - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lot - an undivided tract or parcel of land having frontage on a public street and which is, or in the future may be offered for sale, conveyance, transfer or improvement.

Lot Depth - the distance on a horizontal plane between the midpoint of the front lot line and the midpoint of the rear lot line.

Lot Lines - the lines bounding a lot as defined herein:

- (a) **Lot Line, Front:** In the case of an interior lot, a line separating the lot from the street; as in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in those cases where the deed restrictions specifies another line as the front lot line; provided, however, that the front lot line of a non-residential lot shall be that side adjacent to the highest volume street.

- (b) **Lot Line, Rear:** a lot line opposite and most distant from the front lot line.
- (c) **Lot Line, Side:** any lot line not a front line or rear lot line.

Lot of Record - a lot which is, (1) part of a platted subdivision, the plat of which is recorded in the office of the County Clerk, or (2) a parcel or lot described by metes and bounds, the deed of which has been recorded in the office of the County Clerk prior to March 1, 1982; or (3) a lot which is part of an approved Boundary Line Adjustment, the plat of which is filed with the City.

Lot Width - the distance on a horizontal plane between the midpoint of the side lot lines.

Lowest Floor - means for the purpose of flood hazard regulation, the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured Home - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 190 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Marquee - a roof-like structure of a permanent nature projecting from the wall of a building.

Mean Sea Level - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Mobile Home - a movable or portable dwelling structure which is constructed to be towed on its own chassis, is capable of being connected to public utilities, and is designed for year-round living as a single-family dwelling unit without the necessity for a permanent foundation. The term "mobile home" shall not include pick-up campers, travel trailers, motor homes, converted buses, tent trailers, or other transportable structures designed for temporary use.

Mobile Home Park - a mobile home park is a parcel of land under single ownership on which two (2) or more mobile homes are occupied as residences. Any mobile home facility where two or more units are intended for long-term residential use (beyond ninety (90) days) is considered a mobile home park for purposes of applying development standards.

New Construction - means for flood plain management purposes, structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by a community.

Nonconforming Building (Nonconforming Structure) - a building or structure (or portion thereof) lawfully existing at the time of adoption of this Code or subsequent amendment thereto, that does not conform to the provisions of this Code relative to height, bulk, area, placement or yards for the district in which it is located.

Nonconforming Use - the use of a building or structure or of a parcel *of* tract or land, lawfully existing at the time of adoption of this Code or subsequent amendment thereto, that does not conform to the regulations of the district in which it is situated.

Nonprecision Instrument Runway - means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document or military service's military airport planning document.

Owner - any owner, authorized agent or contractor who constructs, enlarges, alters, repairs, moves or changes the occupancy of a building or structure.

Owner's Front Footage - the pro rata amount of the cost of a water or sewer line extension that is not reimbursable to the person requesting the extension.

Pavement Width - the portion of the surface of the street available for vehicular traffic; if curbed, it is that portion of street between back of curb and back of curb.

Planned Unit Development (PUD) - see unified development.

Person - an individual, firm, partnership, corporation, company, association, joint stock association or governmental entity. It includes a trustee, receiver, assignee or similar representative of any of them.

Primary Surface - means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulation (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Principal Use - the main use to which the premises are devoted and the principal use for which the premises exist.

Private Street - a vehicular access way under private ownership and maintenance providing access to building units in the interior of a lot.

Pro Rata - is the charge per front foot of abutting land to be paid by the lot owner or owner of a development to aid in defraying the cost of supplying sewer service or water service to his lot or site.

- (a) **Single pro rata** - the charge based on the front footage of abutting land on only one side of the street or easement.
- (b) **Double pro rata** - the charge based on the front footage of abutting land on both sides of the street or easement.

Public Street - a public right-of-way, however designated, dedicated or acquired, that provides vehicular access to adjacent private or public properties.

Public Utility - any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water.

Recreational Vehicle (RV) - a camp car, motor home, pick up coach, travel trailer, tent trailer or other portable structure, with or without motive power, designed and used for human habitation for recreational occupancy.

Recreational Vehicle (RV) Park - an area set aside and offered by any person for the parking and accommodation of two (2) or more recreational vehicles.

Reserve - a tract of land created within a subdivision plat that is not divided into lots or proposed for development at the time of platting.

Residential - a tract of land designed for or used exclusively to contain a dwelling unit or units. A "primary residential area" shall mean a street or streets in which a majority of the total front footage is used for residential purposes.

Right-of-way - a street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

Runway - a defined area on an airport prepared for landing and takeoff of aircraft along its length.

Setback - the minimum unoccupied distance between the lot line and the principal and accessory buildings, as required herein.

Setback, Front - the minimum unoccupied distance, extending the full lot width, between the principal and accessory buildings and the front lot line.

Setback, Rear - the minimum required unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.

Setback, Side - the minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.

Sign - any device including words, numerals, figures, designs, pictures or trademarks painted upon or otherwise affixed to a building, wall, board, or any structure, so as to inform or attract attention.

Site Plan - a plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Code.

Start of Construction - for flood plain management purposes (other than for new construction or substantial improvements under the Coastal Barrier Resources Act (Public Law 97-348)), shall include substantial improvement and means that the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab, or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

Street: Expressways - roads intended to serve interstate or high speed, high volume urban traffic. Access to expressways is limited to other expressways and major streets.

Street: Arterial - roads of regional importance or the main roads of a community. Direct access is primarily limited to significant land uses.

Street: Collector - provides access to nonresidential land uses and connects residential streets to the system's arterial streets.

Street: Local - provides access to adjacent land. Characterized by a small service and low speeds.

Structure - see Building Code

Structure - for flood plain management purposes, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Subdivision Plat - a map or drawing of a proposed subdivision prepared in a manner suitable for recording in the County records and containing accurate and detailed engineering and survey data, dimensions, dedicatory statements and certificates.

(1) Preliminary Plat - see Section 203.1

(2) Final Plat - see Section 203.4

Substantial Improvement - means, for flood plain management purposes any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Unified Development - the separate ownership of single units or apartments in a multiple unit structure or structures with common elements. (See Tex. Rev. Civ. Stat. art. 1301a)

Utility Runway - a runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

Variance - is a grant of relief to a person from the requirements of this code when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this code. (For flood plain management purposes, see Section 60.6 of the National Flood Insurance Program regulations for full requirements.

Violation - means, for flood plain management purposes, the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Watercourse - a definite channel of a stream in which water flows within a defined bed and banks, originating from a definite source or sources. (The water may flow continuously or intermittently, and if the latter, with some degree of regularity, depending on the characteristics of the sources.)

Water Surface Elevation - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified, of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.